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*Counsel for Defendant*

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IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH

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LEE A. HOLLAAR AND AUDREY M.  
HOLLAAR,

*Plaintiffs,*

v.  
MARKETPRO SOUTH, INC, a Maryland  
corporation,

*Defendants.*

**NOTICE OF REMOVAL**

Federal Case No. \_\_\_\_\_  
Judge \_\_\_\_\_

(State Case No. 220904509 (Third Judicial  
District Court of Salt Lake County, Utah))

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**NOTICE OF REMOVAL BASED ON DIVERSITY OF CITIZENSHIP**

Defendant MarketPro South, Inc. (“Defendant”), through their undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby remove this action to the United States District Court for the District of Utah, and in support thereof Defendant states as follows:

**BACKGROUND AND PARTIES**

1. This action was filed on or about July 26, 2022, in the Third Judicial District Court, in and for Salt Lake County, State of Utah, Case Number 220904509, and styled, *Lee A. Hollaar, et al. v. MarketPro South, Inc.* (the “State Action”).

2. Defendant was served with process and a copy of Plaintiff’s Complaint on August 12, 2022. [See Exhibit C].

3. Plaintiffs’ Complaint alleges two counts for breach of contract and a third count for breach of the covenant of good faith and fair dealing. Plaintiffs’ damages are not clearly pled, but the Complaint seeks damages for the alleged breach of a contract to sell real property at \$650,000.00, and Plaintiffs have demanded an amount exceeding \$75,000.00 from Defendants outside of the pleadings, so removal is proper at minimum under 28 U.S.C. § 1446(b)(1) or (c).

4. Plaintiffs are each individuals residing in Utah. [Complaint ¶ 1].

5. Defendant is a corporation organized under the laws of the State of Maryland with its principal place of business in Maryland. [Complaint ¶ 2].

6. The district courts of the United States have original jurisdiction of all civil actions between citizens of different states where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a).

7. Because this civil action asserts claims involving citizens of different states with the amount in controversy in excess of \$75,000, this Court has original jurisdiction of the action, and Defendants may remove this action to the United States District Court for the District of Utah under the provisions of 28 U.S.C. § 1441(a).

8. This Notice is filed within thirty days after Defendants were served with the Summons and Complaint in the State Action as required by 28 U.S.C. § 1446(b). This action is not more than one year old.

9. Attached hereto are copies of all process and pleadings served upon Defendant in this action: (A) the Complaint with attached exhibits; (B) Summons; and (C) Affidavit of Service. A current copy of the State Action's docket is attached as Exhibit D.

10. Pursuant to 28 U.S.C. § 1441(b), the entire case may be removed and the district court may determine all issues.

11. Pursuant to 28 U.S.C. § 1446(b), promptly after filing this Notice of Removal, Defendant will give written notice thereof to the Plaintiffs and will file a copy of the Notice with the Third Judicial District Court, in and for Salt Lake County, State of Utah.

WHEREFORE, Defendant through their undersigned counsel gives notice that the State Action is removed to the United States District Court for the District of Utah.

#### **NOTICE OF NON-WAIVER AND RESERVATION OF RIGHTS**

By filing this Notice of Removal, Defendant does not waive any rights and Defendant expressly reserves all defenses and grounds for dismissal of the pleadings, including but not limited to defenses subject to a preliminary motion to dismiss, that Defendant may assert in a motion to dismiss filed before the United States District Court for the District of Utah. At the time of the filing of this Notice of Removal, Defendant's deadline for the filing a motion to dismiss in response to Plaintiffs' Complaint has not expired.

DATED this 1st day of September, 2022.

Respectfully submitted,

JAMES DODGE RUSSELL & STEPHENS, P.C.

/s/ Jordan Pate

Mitchell A. Stephens  
Jordan Pate

HIJAZI LAW GROUP, LLC

/s/ Abdullah H. Hijazi

Abdullah H. Hijazi (subject to *pro hac vice*)

*Counsel for Defendant*

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 1, 2022, a copy of the foregoing Notice of

Removal to be filed and emailed to the following:

Daniel McCarthy (6275)  
Attorney for Plaintiff  
4835 S Quail Point Rd  
Salt Lake City, UT 84124  
Tel: 801 661 8998  
Email: danielmccarthy@xmission.com

/s/ Jordan Pate

Jordan Pate